

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MARK E. GESSNER,

Plaintiff,

:

Case No. 3:10-cv-223

-vs-

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

:

SHERIFF PHIL PLUMMER, et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 22), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b), even though the time for filing extensions was extended twice, expired on July 12, 2011, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that Defendants' Motion for Summary Judgment (Doc. No. 13) be, and it hereby is, granted and the Complaint herein is dismissed with prejudice. The Clerk shall enter judgment accordingly.

July 13, 2011.

**s/THOMAS M. ROSE*

Thomas M. Rose
United States District Judge